

## Matthew Miller-Novak

---

**From:** chris@cwiestlaw.com  
**Sent:** Thursday, June 12, 2025 11:00 AM  
**To:** Matthew Miller-Novak; Steve Simon; Andrew Prem  
**Cc:** 'Thomas B. Bruns'; 'Zachary Gottesman'  
**Subject:** Davis v. McGuffey  
**Attachments:** RE: Davis et al vs. Guffey et al.

Counsel:

Please give us dates for depositions of the following, to occur between July 21, 2025 and July 30, 2025; or August 10, 2025 to August 18, 2025:

- 1) Chris Ketteman
- 2) Matt Guy
- 3) A FRCP 30(b)(6) witness for the County/Sheriff's Department – we will send the topic list Monday;
- 4) Robert Viner
- 5) Dan McElroy
- 6) Dave Downing
- 7) Torry Smith

If I do not have dates from you within that window, by COB Monday, we will unilaterally notice these for times convenient to us, to permit them to occur promptly and within the windows above.

These depositions are conditioned on fulsome responses to our outstanding written discovery requests on July 7, 2025, which you sought an courtesy extension to respond to, and then after obtaining that extension from us, moved for summary judgment.

We intend to file a motion today to extend the time for our response to your motion for summary judgment, with an appropriate FRCP 56(d) declaration from me, to permit the discovery above to occur (as well as written responses to our outstanding written discovery). Steve Simon asked us to hold off on the bulk of discovery until after mediation (see attached email). ***I did not realize*** when he did so, that this was a bait and switch by your office to permit you the time to file a premature summary judgment motion, and to lull us into a position where we did not have everything we would want to oppose that motion. We assumed we were dealing with good faith on the other side, intending to try and resolve the case. A mistake we will not make again.

I also intend to file a motion for a protective order today in relation to your outstanding discovery to us, since we do not have an agreement on that.

We are kicking around postponing the July 10, 2025 mediation, until after there are rulings on your motion for summary judgment. We will let you know early next week and alert the court on our position on that once Tom Bruns is back from vacation Monday.

Sincerely,

Christopher Wiest  
Chris Wiest, Attorney at Law, PLLC  
50 E. Rivercenter Blvd, Ste. 1280  
Covington, KY 41011